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| EXAMINER | |
|---|---|
| SERRAO, RANODHI N | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/737,389 | LIAO, EN-YI | |
| | Examiner | Art Unit | |
| | Ranodhi Serrao | 2141 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *15 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *10-15,22 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-15,22 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 15 November 2007 have been fully considered but they are not persuasive.

2. Applicant argued,

> *As explained in the second appeal brief, Schneider does not disclose processing of a P2P transferred file in an interception node. In Schneider, the file being transferred by P2P is processed in another terminal prior to the P2P transfer. Schneider discloses conventional P2P transfer in that the file is transferred directly from the source peer node to the destination peer node.*

3. The examiner respectfully disagrees. As described in prior Office Action, Schneider states in ¶ 37, "The scanning operation allows, for example, Operator-X 104 and Operator-Y 106 to serve **as intermediaries between** terminals 108, 110, and 112, such that content found to be infected by a virus may be quarantined within terminals 108, 110, and 112." Emphasis added. It is clear that the processing of data takes in between the peer nodes. An interception node can obviously be interpreted as an intermediary.

4. Applicant also stated various reasons as to why it would not have been obvious to one of ordinary skill in the art to combine Schneider with Chawla to teach the claimed invention, including,

> *Modifying Schneider in accordance with Chawla would convert Schneider from P2P to client-server architecture - drastically modifying Schneider. Second, Chawla requires that the router be configured to route data to the origin server to the proxy server. It is respectfully submitted that this would require modification of the router each time a P2P data transfer is to be performed between two peer nodes. Given the number of peers in a P2P network, this is*

*highly unpractical. One of ordinary skill in the art would thus not be motivated to modify Schneider based on Chawla.*

5. Examiner points out that where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at 1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement. Indeed, the claims recite simple substitution of known systems (functions of a proxy server) to another well known system (peer-to-peer architecture) with no change in the respective functions of these old elements, and the combination

of those elements clearly yields predictable results. Therefore the cited references are combinable to teach the claimed limitations.

6. Applicant further remarked,

> *Claim 1 has been amended to recite the step of "providing information to a first peer node that an interception node is a second peer node" (e.g., Specification, page 12, lines 7-15). Claim 1 further recites that the provided information is used to redirect the first peer node to the interception node. In other words, the redirection occurs from within the first peer node, which is the original source of the file to be transferred.*

7. The claim language does not recite or imply in any way that the redirection occurs from within the first peer node. Redirection can take place at a location that is external to the first peer node since the information can be provided to both the first node and another external device such as the proxy/router of Chawla. In col. 7, lines 9-21, Chawla states, "Proxy server 14 prepares the acknowledgment packet by storing the client IP address in the destination field and the origin server IP address in the source field of the acknowledgment packet. Router 16 receives the acknowledgment packet and forwards the packet to client 22." By storing the origin server (second node) IP address in the source field, proxy server 14 (interception node) sends the packet (information) to client 22 (first node). In effect, providing information (origin server IP address) to a first node (client 22) that an interception node (proxy server 14) is a second node (origin server).

8. Applicant moreover stated,

> *The last office action cites to Chawla col. 7, lines 58 to col. 8, line 24 in the rejection of claim 14, which has similar language. Applicant respectfully disagrees with this conclusion. The cited portion of Chawla pertains to communication from client ("first peer node per the last office action") to the*

*origin server ("second peer node" per the last office action), with the proxy server modifying the data packets to point to the origin server. Note that this cannot possibly read on claim 14 because: (a) The origin server ("second node" or recipient) is not informed that an address of the client ("first peer node" or source) is that of the proxy server ("interception node"). (b) There is "no informing" of either the origin server or client because the router performs the redirection to the proxy server.*

9. As per item (a), Figure 9, step 168 states that the origin server IP address is stored in the destination field, and proxy server IP address is stored in the source field, and the request sent to the origin server. This clearly reads on the claim language of informing the second node (origin server) that an address of the first node is that of an interception node (replacing the source field with the proxy server IP address). As per item (b) As clarified above both the client and the origin server are in fact informed.

10. Applicant's arguments with respect to the newly added claim 23 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments regarding claim 15 have been previously addressed in the Office Action mailed 30 March 2007 and is herein incorporated by reference.

12. In conclusion, upon taking the broadest reasonable interpretation of the claims, the cited references teach all of the claimed limitations. And the rejections are maintained. See below.

***Claim Rejections - 35 USC § 103***

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 10-14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider (2004/0158741) and Chawla et al. (7,123,613).

15. As per claim 10, Schneider teaches a method of transferring a file in a peer-to-peer computer network, the method comprising: transferring the file from a first peer node to an intermediary node by peer-to-peer data transfer, the first peer node and the second peer node being computers in the peer-to-peer computer network; processing the file in the intermediary node; and transferring the file from the intermediary node to the second node (see Schneider, ¶ 37-38). But Schneider fails to teach providing information to a first peer node that an interception node is a second peer node and does not provide the details of redirecting the file from the first peer node to the interception node based on the provided information, the file originating from the first peer node and originally being intended to be transferred directly from the first peer node to the second peer node. However, Chawla et al. teaches providing information to a first node that an interception node is a second node (see Chawla et al. col. 7, lines 9-21); redirecting a file from the first node to the interception node based on the provided information, the file originating from the first node and being originally intended to be transferred directly from the first node to the second node (see Chawla et al., col. 5, line 56-col. 6, line 24 and col. 10, lines 36-53). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Schneider to providing information to a first node that an interception node is a second node; redirecting a file from the first node to the interception node based on the provided information, the file originating from the first node and being originally intended to be transferred directly

from the first node to the second node in order to allow a client to take advantage of the benefits of using a proxy server in handling client packets without requiring special configuration of the client (see Chawla et al., col. 2, lines 18-21).

16. As per claim 11, Schneider-Chawla teach a method wherein the peer-to-peer computer network includes the Internet (see Schneider, ¶ 78).

17. As per claim 12, Schneider-Chawla teach a method wherein processing the file in the interception node comprises scanning the file for viruses (see Schneider, ¶ 37).

18. As per claims 13 and 14, the above-mentioned motivation of claim 10 applies fully in order to combine Schneider and Chawla et al.

19. As per claim 13, Schneider and Chawla teach a method wherein processing the file in the interception node comprises filtering a content of the file (see Chawla et al., col. 5, line 56-col. 6, line 24).

20. As per claim 14, Schneider teaches peer-to-peer data transfer (see Schneider, ¶ 27) and Chawla et al. teaches a method wherein redirecting the file comprises: informing the second node that an address of the first node is that of the interception node (see Chawla et al., col. 7, line 58-col. 8, line 24).

21. As per claim 22, Schneider teaches a method of transferring a file from a first peer node to a second peer node in a peer-to-peer computer network, the method comprising: transferring the file from a first peer node to an intermediary node by peer-to-peer data transfer, the first peer node and the second peer node being computers in the peer-to-peer computer network; scanning the file for viruses in the intermediary node; and transferring the file from the intermediary node to the second node (see

Schneider, ¶ 37-38). But Schneider fails to teach informing the second peer node that an address of the first peer node is that of an interception node; providing information to the first peer node that an interception node is the second peer node and does not teach provide the details of transferring the file from the first peer node to the interception node based on the provided information, the file originating from the first peer node and being originally intended to be transferred directly from the first peer node to the second peer node. However Chawla et al. teaches informing the second node that an address of the first node is that of an interception node (see Chawla et al., col. 8, lines 1-14); providing information to the first node that an interception node is the second node (see Chawla et al. col. 7, lines 9-21); transferring the file from the first node to the interception node based on the provided information, the file originating from the first node and being originally intended to be transferred directly from the first node to the second node (see Chawla et al., col. 5, line 56-col. 6, line 24 and col. 10, lines 36-53). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Schneider to informing the second node that an address of the first node is that of an interception node; providing information to the first node that an interception node is the second node; transferring the file from the first node to the interception node based on the provided information, the file originating from the first node and being originally intended to be transferred directly from the first node to the second node in order to allow a client to take advantage of the benefits of using a proxy server in handling client packets without requiring special configuration of the client (see Chawla et al., col. 2, lines 18-21).

22. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chawla et al. and Schneider as applied to claim 10 above, and further in view of Morris et al. (6,629,100). Chawla et al. and Schneider teach the mentioned limitations of claim 10 above and furthermore Chawla et al. teaches transferring the file from the interception node to the second node (see Chawla et al., col. 10, lines 36-53) but fail to teach querying a P2P server for location information of peer nodes involved in a transfer of the file; based on a response from the P2P server, identifying the second peer node as a node involved in the transfer of the file from the first peer node. However, Morris et al. teaches querying a P2P server for location information of peer nodes involved in a transfer of the file (see Morris et al., col. 8, lines 1-9); based on a response from the P2P server, identifying the second peer node as a node involved in the transfer of the file from the first peer node (see Morris et al., col. 8, lines 10-21). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chawla et al. and Schneider to querying a P2P server for location information of peer nodes involved in a transfer of the file; based on a response from the P2P server, identifying the second peer node as a node involved in the transfer of the file from the first peer node in order to allow users and groups to share images and restrict access to the images and metadata (see Morris et al., col. 1, line 64-col. 2, line 4).

23. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chawla et al. and Schneider as applied to claim 23 above, and further in view of Baugher et al.

(6,101,549). Chawla et al. and Schneider teach the mentioned limitations of claim 23 above but fail to teach a method wherein the provided information comprises session ID for transfer of the file from the first peer node to the second peer node, the session ID being addressed by the first peer node to the second peer node to allow the second peer node to establish direct communication to the first peer node to receive the file. However, Baugher et al. teaches a method wherein the provided information comprises session ID for transfer of the file from the first peer node to the second peer node, the session ID being addressed by the first peer node to the second peer node to allow the second peer node to establish direct communication to the first peer node to receive the file (see Baugher et al., col. 6, lines 20-55). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chawla et al. and Schneider to a method wherein the provided information comprises session ID for transfer of the file from the first peer node to the second peer node, the session ID being addressed by the first peer node to the second peer node to allow the second peer node to establish direct communication to the first peer node to receive the file in order to supply proxy host 62 with the information that it requires to perform proxy services and exchange messages (see Baugher et al., col. 5, lines 28-48).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNS

R.N.S.

1/29/2008

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